

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

APPLICATION OF

NORCAST S.ÀR.L.,

FOR AN ORDER OF JUDICIAL ASSISTANCE  
PURSUANT TO 28 U.S.C. 1782

11 MISC 00251

**DECLARATION OF  
SCOTT S. BALBER**

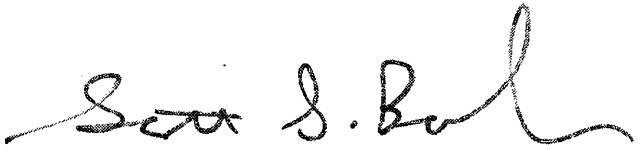
SCOTT S. BALBER hereby declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I am a partner of the law firm of Chadbourne & Parke LLP, attorneys for Norcast S.àr.l. (“Norcast”). I make this declaration in support of Norcast’s application for an order compelling Castle Harlan, Inc. (“Castle Harlan”) and Howard D. Morgan (“Morgan”) to comply with subpoenas served by Norcast.
2. Attached hereto as Exhibit 1 is a true and correct copy of the Affidavit of Michael Barton, dated August 2, 2011.
3. Attached hereto as Exhibit 2 is a true and correct copy of the Application of Norcast S.àr.l. for an Order of Judicial Assistance Pursuant to 28 U.S.C. 1782.
4. Attached hereto as Exhibit 3 is a true and correct copy of the Prospective Applicant’s Genuine Steps Statement, dated September 6, 2011, filed by Norcast in the Federal Court of Australia, Victoria District.

5. Attached hereto as Exhibit 4 is a true and correct copies of an Originating Application by Prospective Applicant for Order for Discovery with the Federal Court of Australia, Victoria District, dated September 6, 2011.
6. Attached hereto as Exhibit 5 is a true and correct copy of a subpoena directed to Castle Harlan, dated July 18, 2011 and served on July 26, 2011, commanding the production of documents and that Castle Harlan produce a representative for a deposition upon oral questions.
7. Attached hereto as Exhibit 6 is a true and correct copy of a subpoena directed to Morgan, dated July 18, 2011 and served on July 26, 2011, commanding that he appear at a deposition upon oral questions.
8. Attached hereto as Exhibit 7 is a true and correct copy of an Affidavit of Service, dated July 26, 2011, evidencing the service by hand of Exhibits 5 and 6.
9. Attached hereto as Exhibit 8 is a true and correct copy of an Order of this Court, dated July 21, 2011, authorizing Norcast's attorneys to serve subpoenas on Castle Harlan and Morgan.
10. Attached hereto as Exhibit 9 is a true and correct copy of the Responses and Objections of Castle Harlan, Inc. to the Subpoena to Testify at a Deposition in a Civil Action, dated July 29, 2011.
11. Attached hereto as Exhibit 10 is a true and correct copy of the Responses and Objections of Howard D. Morgan to the Subpoena to Testify at a Deposition in a Civil Action, dated July 29, 2011.

12. Attached hereto as Exhibit 11 is a true and correct copy of a letter, dated September 12, 2011, from Norcast's attorneys to this Court.
13. Attached hereto as Exhibit 12 is a true and correct copy of a letter, dated September 13, 2011, from Castle Harlan and Morgan's attorneys to this Court.
14. Attached hereto as Exhibit 13 is a true and correct copy of the Prospective Respondent's Genuine Steps Statement, dated September 9, 2011, filed by Bradken Ltd. in the Federal Court of Australia, Victoria District.

Dated: New York, New York  
September 26, 2011

A handwritten signature in black ink, appearing to read "Scott S. Balber", written over a horizontal line.

Scott S. Balber